

13 JUL 1978

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MEMORANDUM FOR: General Counsel

FROM : F. W. M. Janney
Director of Personnel

SUBJECT : Reimbursement for Travel and Transportation
Expenses of New Appointees

REFERENCE : OGC memo to DDA dtd 1 May 75, same subject

1. Paragraph 8 of referenced memorandum requested further consultation with the Office of General Counsel if a particular position is for some reason classified pursuant to EO 11652, and suitable arrangements cannot be made with the Civil Service Commission to protect this information.

2. Representatives of the DDA and the DDO met recently to discuss the difficulties encountered in identifying candidates who possess the qualifications and desire to enter on duty in the Agency as DDO Career Trainees. One of the problem areas was the inability of the applicants to pay for their travel and transportation expenses to Washington at time of EOD, particularly from the mid-west and west coast. The desired age group for the DDO trainees is 27-32. Individuals falling within this group are normally employed, married, have families, and often own their own homes. These candidates will, all too frequently, withdraw their applications because they are unable to bear the expenses of selling their homes and relocating their families to Washington at their own expense.

3. It is our understanding that the Department of State pays for the shipment of HHE to Washington for newly-appointed FSO's who are chosen through State's rigorous selection process and who are subject to worldwide assignments after the completion of formal and on-the-job training. We believe these officers are analogous to our CT's and that we should, therefore, be permitted to pay for the shipment of HHE for our CT's slated for the DDO and overseas assignments.

4. The last time we went to the Commission with a request that a position be declared a shortage category so that moving and travel expenses might be paid, we were admonished to "find a way to more fully and specifically provide the documentation

FPM 571, Appendix B requires should we have another occasion to make a similar shortage category request." (See Attachment.)

5. Unless required, we do not wish to divulge to the Commission the in-depth documentation of the duties of an Operations Officer in the Clandestine Service or the methods we use to select those who ultimately EOD. Since our failure to pay travel and transportation has impacted seriously on our efforts to recruit and staff the DDO with the new young blood the Director has requested, [REDACTED] FOIAB5

100-443887-100

F. W. M. Janney

Attachment

Distribution:

Orig & 1 - Adse
1 - DDA
1 - D/Pers
2 - SPD
1 - C/PSB

OP/SPD/[REDACTED] (13 Jul 78)

OGC 75-1781

1 May 1975

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Reimbursement for Travel and Transportation Expenses of New Appointees

REFERENCE : Memo to DDA fm D/Pers, dtd 7 Feb 75, Subj: Reimbursement to EOD's for Travel and Transportation (HHE), w/atts

1. Referent memorandum and attachments indicate that prior to January 1960 the Agency apparently followed Civil Service Commission determinations of manpower shortage positions in approving reimbursement for travel and transportation expenses of new appointees. A memorandum dated 8 January 1960 from the DDS to the DCI resulted in the DCI approving reimbursement for travel and transportation expenses of economists with graduate degrees and in the DCI delegating to the DDS the authority to extend this inducement "...to other categories of appointees, or to withdraw it, as the supply of candidates and the needs of the Agency require." Although there is authority in Title 5 of the United States Code to pay the travel and transportation expenses of new appointees to manpower shortage positions, we find no authority for the Agency to designate positions as being in the manpower shortage category; this can only be done by the Civil Service Commission (CSC).

2. The authorization to pay the travel and transportation expenses of new appointees to manpower shortage positions is found at Subchapter II of Chapter 57 of Title 5 of the United States (U.S.) Code. Section 5721, which indicates the coverage of Subchapter II, defines "agency" to mean "an Executive agency" (which as defined at 5 U.S.C.A. 104 and 105, includes the Central Intelligence Agency), "employee" to mean "an individual employed in or under an agency," and "continental United States" to mean "the several States and the District of Columbia, but does not include Alaska or Hawaii." 5 U.S.C.A. 5721(1)(A), (2) and (3).

3. Section 5723 deals specifically with travel and transportation expenses of new appointees to manpower shortage positions in the U.S. It provides that:

(a) Under such regulations as the President may prescribe..., an agency may pay from its appropriations---

(1) travel expenses of a new appointee, ..., to a position in the United States for which the Civil Service Commission determines there is a manpower shortage; and

(2) transportation expenses of his immediate family and his household goods and personal effects to the extent authorized by section 5724...;

from his place of residence at the time of selection or assignment to his duty station...

* * * * *

(d) The Commission may not delegate its authority to determine positions for which there is a manpower shortage for the purpose of this section.

(e) This section does not impair or otherwise affect the authority of an agency under existing statute to pay travel and transportation expenses of individuals named by subsection (a) of this section.

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The authority to designate positions as well as to pay these expenses is found at subsection 5723(a). We believe it is clear that only the CSC may designate manpower shortage positions.

5. The CSC has issued instructions to implement its responsibilities under subsection 5723(a), which are found at Subchapters 2 and 3 (dated 7 December 1973) of Chapter 571, Federal Personnel Manual (FPM). The Commission notes in Subchapter 2-2.a. that it has responsibility only for determining the positions for which a manpower shortage exists so that payment for travel may be authorized. The Commission adds positions to or removes them from the manpower shortage category as the situation warrants. An agency may ask the Commission to make a manpower shortage finding for any occupation(s) or position(s) for which it believes a shortage exists. Agencies which propose positions for inclusion in the manpower shortage category are notified individually of Commission decisions on their proposals. Additions to and deletions from the shortage category are published in the Federal Register. We presume that if the Agency requests a manpower shortage finding from the Commission and if the shortage category is for some reason classified under Executive Order 11652, that suitable arrangements can be made to protect this information. (Publication of unclassified shortage category positions in the Federal Register could be beneficial to the Agency; it is possible that by giving wider public notice of specific employment opportunities, we may attract larger numbers of qualified applicants for the positions.)

6. Although Agency employees are members of the "civil service," which consists of all appointive positions in the Executive branch of the Government (except positions in the uniformed services), they are in the "excepted service," which consists of those civil service positions which are not in the competitive service. 5 U.S.C.A. 2101 and 2103. (The Agency is excluded from the provisions of Chapter 51 [Classification] of Title 5, which applies only to the "competitive" or "classified civil service." 5 U.S.C.A. 2102 and 5102.) Nevertheless, the CSC still has responsibility for designating positions in the manpower shortage category for the "excepted service." FPM Chapter 571, Subchapter 3-1.d.

7. It may be of some assistance to you for us to mention that in determining a manpower shortage category, the CSC is guided by a showing by the requesting agency (or the CSC's own experience) that over a period of time an agency has tried, unsuccessfully, to recruit a sufficient number of qualified individuals to meet its needs, or even if there is no lack of

marginally qualified individuals, that the number of well-qualified individuals is considerably below its needs. As you might expect, a determination of a shortage at a particular grade level does not automatically justify a finding of a shortage at other grade levels.

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8. In summary, [redacted]

[redacted] in Title 5 of the U.S. Code for the Agency to designate positions as being in the manpower shortage category and to pay EOD travel and transportation expenses for appointees to these positions in the U.S. Such expenses may be paid under the authority found at 5 U.S.C.A. 5723 but only for EOD travel and transportation for new appointees to manpower shortage positions in the U.S. designated as such by the CSC. The CSC has responsibility for designating positions in the manpower shortage category for the "excepted service." If the Agency requests a manpower shortage finding from the CSC, and if the particular position is for some reason classified pursuant to E.O. 11652, and if suitable arrangements cannot be made with the CSC to protect this information, this Office should be consulted.

STATINTL

[redacted]
Assistant General Counsel

cc: D/Pers

15 JUL 1977

Mr. Paul Arnold
Bureau of Executive Personnel
U. S. Civil Service Commission
1900 E Street, N.W., Room 6348
Washington, D. C. 20006

Dear Mr. Arnold:

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As requested in your phone conversation with [] of this Office, the following additional information is provided to supplement the data contained in our letter of 7 July 1977.

Information below is keyed to Appendix B of FPM 571:

1. There is only one position involved and it is at the GS-18 level. We unfortunately cannot provide a position description because it is classified. The essential unclassified elements of the position are contained in our 7 July letter.

2. The position is located in our Headquarters Building in McLean, Virginia.

3. Extent of manpower shortage:

a. There is one present incumbent, also a GS-18. He is being reassigned next week to fill another critical position in the Intelligence Community.

b. There will then be one existing vacancy. Assuming the successful clearance and acceptance of the offer by the applicant we have selected (which is predicated on the approval of this request), there should be no further vacancies in this position in the next twelve months.

c. Recruiting for this position has been conducted for over three months. As reported by the media, Dr. Robert Bowie, Director for over twenty years of the Center for International Studies, Harvard University, was persuaded by the Director of Central Intelligence to join the Agency in April 1977 to strengthen our estimative process and product. Dr. Bowie is a world-renown scholar who is in close contact with leading scholars in foreign affairs in the academic world and in think tanks. The present incumbent of the position is a leading authority on Soviet Russia in the Federal Government. Between these two experts, they are well aware of the professional reputations of the leading authorities on Soviet Russia. They drew up a list of about ten names. They narrowed the list by, for example, eliminating some because they were too specialized in Soviet internal politics without having a broad knowledge of Soviet external politics or economics. As stated in our original memo, the list was sifted down to about five people who were contacted. As previously noted, a couple had reservations about interrupting their academic careers to work for CIA, and one took another senior Federal Government position. By this process of elimination, the list of ten was reduced to one. Only through a great amount of persuasion on the part of Dr. Bowie and the Director, has the candidate tentatively accepted the position.

d. No one has so far declined to accept the position because of our inability to pay for travel and transportation. However, the applicant we have selected has made this one of the conditions of his employment.

e. Recruiting for this position, as discussed in paragraph c above, has not followed our normal procedures. No advertising was done. Contacts were made with personnel at high levels in certain selected think tanks and universities. No use was made of any employment services.

f. Candidates were considered on a nationwide basis.

g. No efforts were made to relieve the shortage by the suggestions made in this paragraph of Appendix B. A key element of this position is the ability to integrate and synthesize masses of information produced from a variety of sources at lower levels. Job engineering to break up the duties of the position is just the opposite of what is required. While Soviet analysts in the Agency and the Intelligence Community were not ignored, we were operating under a Presidential edict to bring in an expert from outside the intelligence business to take a fresh look at the estimative process and product.

h. We believe we have selected an outstanding candidate for this position and hope that you will approve this request to declare the position to be in a shortage category. We would hate to lose him because of our inability to pay his travel costs.

Should you have any questions or desire further information, please call [redacted] of this office on [redacted]

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Sincerely,

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[redacted]
Deputy Director of Personnel
for Recruitment and Placement

Distribution:

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1 - D/Pers Chrono
1 - DD/Pers/R&P
1 - Subject File

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OP/SPD/[redacted] (14 Jul 77)

7 JUL 1977

Mr. Joseph V. Damico, Director
Bureau of Executive Personnel
U. S. Civil Service Commission
1900 E Street, N.W., Room 6348
Washington, D. C. 20006

Dear Mr. Damico:

It is requested that the position of National Intelligence Officer for Soviet Russia and East Europe be declared a shortage category. The position is of critical importance in the Intelligence Community and to the Federal Government. The judgments required in the successful execution of this position have an important bearing on U. S. - Soviet relations and will influence very vital decisions at the highest level of government across the full range of U. S. - Soviet relations.

The Soviet Russia/East Europe National Intelligence Officer (NIO) must be an authority on his geographic area from the point of view of politics, economics, and strategy, both within these areas and in regard to their external relations. He sits metaphorically behind the Director's desk, viewing the intelligence problems and responsibilities as the DCI would view them if he had full time to devote to them and the range of personal background and expertise the NIO can bring to bear on matters in his area of responsibility. As the Director's personal representative, the NIO:

Serves as the Director's principle staff officer and counselor for all matters related to Soviet Russia and Eastern Europe;

Provides intelligence opinion and advice for use at highest government levels on intelligence matters;

Identifies policy makers' needs for national intelligence by close contact with the National Security Council Staff and other principal consumers, including NSC members and/or their senior subordinates;

Plans, directs, administers, and participates in the drafting of estimative products and the formulation of intelligence judgments and forecasts;

Formulates requirements associated with national intelligence and levies them on various components and working groups of the Intelligence Community;

Assesses the adequacy of the Intelligence Community's performance in the area and makes recommendations for corrective action as appropriate;

Maintains extensive direct contact with all elements of the Intelligence Community and others in the official and private sectors for the development and coordination of national intelligence.

The search for a noted expert to fill this exacting position was, quite frankly, not easy. As has been evident from the newspapers, there has been considerable controversy surrounding the estimative process and product. The Church Committee was so critical that the Agency has experimented with the Team A and Team B approach. Upon the appointment of Admiral Turner as Director, he was instructed by the President to strengthen National Intelligence Estimates. As a part of the strengthening process, the Director has been seeking outstanding experts from without the Intelligence Community. There are perhaps ten of these experts in the United States, mostly in the academic world and "think tanks." The Agency narrowed the list to five. Quite honestly, one accepted an offer of a senior post in the State Department and a couple rejected our offers because they believe working for CIA would restrict their travel to Russia and their ability to resume an academic career at some later date.

The person the Director persuaded to accept our offer is a well-known authority in his field. (His list of unclassified books and other publications take up two single-spaced pages.) He works for the most noted "think tank," and as a GS-18, will have a salary approximating his present one. He, therefore, has insisted as a condition of his employment that he be reimbursed for his travel and the shipment of his household effects.

The Agency and the country urgently require the services of this expert. We strongly urge that you declare his position to be in a shortage category so that he may be paid for his travel and transportation costs.

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Director of Personnel

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Appendix B. Procedure for Requesting Determination of Manpower Shortages for Payment of Travel and Transportation

a. Information required. When agencies request of the Commission a determination of manpower shortage for a position, the following information should be furnished:

(1) Identification of the position or positions involved, including the grade or salary level. A →job description should be included.

(2) The geographical← area within which the position(s) is located.

(3) A statement showing the extent of the manpower shortage giving information on each of the following items for each position included in the request:

(a) Total number of present incumbents in the agency in the area in question.

(b) Number of existing vacancies and number anticipated within the next 12 months.

(c) The length of time active, but unsuccessful, recruiting has been conducted.

(d) Declinations, if any, because of lack of payment of travel and transportation and, as far as readily available, the number of the declinations.

(e) A statement on the extent and nature of recruiting efforts and results obtained, along such lines as use made of paid or free advertising; contacts with normal sources such as high schools, trade or technical schools, colleges, technical and professional societies; use of employment services as permitted under civil service policy; contact with local State Employment Service for assistance. (A statement from the State Employment Service about shortage is supporting information on the condition of manpower supply.)

(f) A statement on the extent to which it has been necessary to recruit outside the area where vacancies exist.

(g) Information on the internal efforts made by the agency to relieve the shortage situation through such techniques as:

—Job engineering;

—Training programs for employees with lesser skills;

—Utilization of employees who have the scarce skill;

—Use of dictation machines in cases of stenographic shortages, etc.

(h) The general quality of recruits obtained and the prospects for obtaining better qualified eligibles if travel costs are paid.

b. Office to which submitted. Requests relating to:

(1) Positions under the examining jurisdiction of the Commission's central office;

(2) Positions located in the Washington metropolitan area; or

(3) Positions for which nationwide coverage is requested regardless of whether position is centralized for recruitment and examining purposes—

should be sent to the →Bureau of Recruiting and Examining,← United States Civil Service Commission, Washington, D.C. 20415 (except that case requests involving individual positions in levels GS-16 and above (or equivalents) should be sent to the Bureau of Executive Manpower). Requests relating to other positions should be sent to the director of the appropriate Commission regional office.